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EXAMINER

SMITH, SHEILA B

ART UNIT

PAPER NUMBER

2681

DATE MAILED: 12/18/2003

6

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/771,445

Applicant(s)

KIVELA ET AL.

Examiner

Sheila B. Smith

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 32-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) 32-38, 40 and 42-45 is/are rejected.
- 7) ☐ Claim(s) 39 and 41 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).  
\* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.  
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 5. 6) ☐ Other: \_\_\_\_

## DETAILED ACTION

### *Drawings*

1. The drawings are objected to under 37 CFR 1.83(a) because they fail to show *(4) a radio part, (49) transmitter/receiver, and (36) means for creating an alarm signal*, as described in the specification. Any structural detail that is essential for a proper understanding of the disclosed invention should be shown in the drawing. MPEP § 608.02(d). A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 32-38,40,42-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Johansson (U. S. Patent Number 5,008,864) and well known prior art.

***Regarding claim 32,38 40, 42***, Johansson discloses essentially all the claimed invention as set fourth in the instant application, further Johansson discloses integrated local communication system. In addition Johansson discloses a radio telephone (810) for use in close proximity to a user comprising transceiver (830) for communicating with a radio telephone network over a network assigned channel; an antenna (820) connected to the transceiver for

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receiving and transmitting signals from and to said radio telephone network ( as exhibited in figure 8 and which reads on column 8 lines 21-30); a controller (860) connected to said transceiver (830) to control the communications and for processing the information being transmitted or received in said communication ( as exhibited in figure 8 and which reads on column 8 lines 44-49); a user interface (910) connected to said controller (860) constructed to allow said user to receive and send audio and data information via communication with said radio telephone network ( as exhibited in figure 9 and which reads on column 10 lines 1-10); a local communication module (which reads on Johansson the baseband modulator/demodulator 840 and the driver/amplifier 850, in order to supervise the bi-directional transfer of the information signals as disclosed in column 8 lines 44-49), connected to said controller for generating a first bidirectional local wireless communication link to allow the transmission and reception of communications processed by said controller (which reads on column 8 lines 44-49), and a first remote unit (which reads on 220) adapted to be supported on the person of said user, said remote unit having a transceiver (830) and a controller (860) for receiving and sending information over said first local communication link, said remote unit constructed to allow said user to receive and send information over said local communication link. However Johansson fails to specifically disclose using time division multiple access with frequency hopping or code controlled multiple access with individual pseudorandom binary sequencing to avoid interference with said radio telephone network communication or with other communications on said local communication link.

The examiner contends the use of TDMA time division multiple access with frequency hopping is well known and the Examiner takes Official Notice as such.

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It would have been obvious to one of ordinary skill in the art to modify Johansson to a system which uses time division multiple access with frequency hopping or code controlled multiple access with individual pseudorandom binary sequencing to avoid interference with said radio telephone network communication or with other communications on said local communication link for the purpose of providing a more secure transmission as the frequency or binary sequence would be changed with each transmission.

Regarding *claim 33*, Johansson discloses everything claimed, as applied above (see claim 32 ) additionally, Johansson discloses a radio telephone for use in close proximity to a user, wherein the user interface of said radio telephone is constructed as part of the remote unit (which reads on column 9 lines 11-25).

Regarding *claim 34*, Johansson discloses everything claimed, as applied above (see claim 32 ) additionally, Johansson discloses a radio telephone for use in close proximity to a user, wherein a second user interface is constructed as part of the remote unit to allow the user to communicate over said local communication link (which reads on column 9 lines 11-25).

Regarding *claim 35*, Johansson discloses everything claimed, as applied above (see claim 32 ) additionally, Johansson discloses a radio telephone for use in close proximity to a user, comprising: a second remote unit (240), adapted to be supported on the person of the user, said second remote unit (240) connected to said first remote unit (220) by a second local wireless communication link generated by said first remote unit (220), and wherein said first and second remote units have transceivers (830) and controllers (860) for communicating over said second wireless a: communication link, said second remote unit (240) further comprising headset for

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communicating audio data to and from said first remote unit (as exhibited in figures 3,8 and disclosed in column 9 lines 11-25).

Regarding *claim 36*, Johansson discloses everything claimed, as applied above (see claim 32 ) additionally, Johansson discloses a radio telephone for use in close proximity to a user, however, Johansson fails to specifically disclose wherein the first local communication link is transmitted on a first frequency channel and the reception channel frequency is set at a frequency having a predetermined fixed relation with said transmission frequency.

The examiner contends, however that the first local communication link is transmitted on a first frequency channel and the reception channel frequency is set at a frequency having a predetermined fixed relation with said transmission frequency is well know in the art and at the time of invention it would have been obvious to a person of ordinary skill in the art to modify Johansson with the teaching of well known prior art since such a frequency transmission is known to be widely used in the industry.

Regarding *claim 37*, Johansson discloses everything claimed, as applied above (see claim 32 ) additionally, Johansson discloses a radio telephone for use in close proximity to a user, however, Johansson fails to specifically disclose a local communication module is turned on only during a call and said transceiver of said remote unit is turned on periodically to check said local communication link for a message or a call in order to conserve power.

The examiner contends, however, that such a feature is well known in the art, and the examiner takes official notice as such.

At the time of the invention, it would have been obvious to one of ordinary skill in the art to modify Johansson with well known prior art as described above for the purpose of saving battery life.

Regarding **claim 43**, Johansson discloses everything claimed, as applied above (see claim 32 ) additionally, Johansson discloses a user interface is constructed as a credit card sized module comprising an earpiece (880), a microphone (870), a numeric keypad, and an LCD display (which reads on figure 8 column 2 lines 19-24).

Regarding **claim 44**, Johansson discloses everything claimed, as applied above (see claim 42 ) additionally, Johansson discloses a radio telephone for use in close proximity to a user, however, Johansson fails to specifically disclose wherein the one remote unit is comprised of a palm-top computer or a personal digital assistant.

The examiner contends, however that the one remote unit is comprised of a palm-top computer or a personal digital assistant is well know in the art and at the time of invention it would have been obvious to a person of ordinary skill in the art to modify Johansson with the teaching of well known prior art since integrating radio telephones with other devices is known to be widely used in the industry.

Regarding **claim 45**, Johansson discloses everything claimed, as applied above (see claim 42 ) additionally, Johansson discloses at least one remote unit further comprises a plurality of additional remote units selected from the group consisting of a credit sized module comprising an earpiece, a microphone, a numeric keypad, and an LCE display (which reads on figure 8 column 2 lines 19-24), however, Johansson fails to specifically disclose wherein the one remote

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unit is comprised of a palm-top computer or a personal digital assistant palm-top computer, or a personal digital assistant.

The examiner contends, however that the one remote unit is comprised of a palm-top computer or a personal digital assistant is well know in the art and at the time of invention it would have been obvious to a person of ordinary skill in the art to modify Johansson with the teaching of well known prior art since integrating radio telephones with other devices is known to be widely used in the industry.

***Allowable Subject Matter***

2. Claims 39,41 have been objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

  
**SINH TRAN**  
**PRIMARY EXAMINER**

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***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sheila B. Smith whose telephone number is (703)305-0104. The examiner can normally be reached on Monday-Thursday 6:00 am - 3:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Sinh Tran can be reached on 703-305-4040. The fax phone number for the organization where this application or proceeding is assigned is (703)872-9314.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703)305-0104.

S. Smith  
December 11, 2003

  
**SINH TRAN  
PRIMARY EXAMINER**